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B. Ellis
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Chijioke Chukwuemeka.

Examiner: Naeem U. Haq

Group Art Unit: 3625

Serial No.: 09/650,293

Filed: August 29, 2000

For: METHOD AND APPARATUS FOR MAKING SECURE ELECTRONIC PAYMENTS

Mail Stop: Amendment - Fee
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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GROUP 3600

RESPONSE TO OFFICE ACTION

This is in response to the office action dated September 11, 2003, the time for responding thereto having been requested to be extended.

Claims 1, 11, 18 and 19 have been provisionally rejected under the judicially-created doctrine of obviousness-type double patenting. In view of the provisional nature of this rejection, applicant is considering the filing of a terminal disclaimer upon issuance of copending application no. 10/270,981.

Claims 1-27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ling (US 2002/0002538) in view of Official Notice and further in view of Applicant's admission of prior art. It is submitted that Ling is not valid prior art with respect to the present application. Ling was published on January 3, 2002, after the filing date of the present application, and thus Ling is not prior art under 35 U.S.C.

102(a) or (b). Moreover, the present application was conceived of prior to the earliest possible effective filing date of Ling, which is January 26, 2000, as evidenced by the attached declaration under 37 C.F.R. § 1.131 with attached documentary evidence. As stated in the declaration, the invention was conceived of prior to the effective filing date of Ling, and with due diligence from this date to the filing of this application, the applicant undertook efforts to reduce the invention to practice. Thus, Ling is not prior art under 35 U.S.C. 102(e). Since Ling is not valid prior art, it is requested that the rejection of claims 1-27 under 35 U.S.C. 103(a) be withdrawn.

In light of the foregoing, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



Mark Montague
Reg. No. 36,612

COWAN, LIEBOWITZ & LATMAN, P.C.
1133 Avenue of the Americas
New York, NY 10036-6799
(212) 790-9200